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# TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)  
028769.079940

In re: Application of: HOFFMAN, Arnold et al.

Application No.: 10/621,326

Filed: 17 April, 2005

For: REDOX THERAPY FOR TUMORS

The owner\*, HOFFMAN, A. SPETNER, L. M. & BURKE, M. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 11/596,043 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 34,145

Signature

Date

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Typed or printed name

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION OF INVENTORSHIP (only for the purpose of the designation of the United States of America)

Declaration of inventorship (Rules 4.17, 4.18 and 5.10a, Chapter II)  
for the purposes of the designation of the United States of America

I, the undersigned, being the inventor or joint inventor, declare that I am the inventor or joint inventor of the invention described in the PCT international application which is the subject of the present declaration of inventorship.

I further declare that I have the right to make such a declaration of inventorship.

The PCT international application number is: PCT/IL2002/000051

I hereby declare that my residence, current address and country are as indicated below.

I declare that I am the inventor or joint inventor of the invention described in the PCT international application, including the claims, as set forth in the request for said application, except as to the PCT Rule 4.10, I declare to be a resident of the country or countries indicated below under the heading "Prior applications". By application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application of which priority is claimed.

Prior application no. 140970, ISRAEL, 18 January, 2001

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by the EPC 1989, including for examination in part applications, patent information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature:

Date:

(The signature must be that of the inventor, not that of the agent)

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(city and either U.S. state, if applicable, or country)

Address:

Citizenship:

Inventor's Signature:

Date:

(The signature must be that of the inventor, not that of the agent)

I declare that I am the inventor or joint inventor of the invention described in the PCT international application, including the claims, as set forth in the request for said application, except as to the PCT Rule 4.10, I declare to be a resident of the country or countries indicated below under the heading "Prior applications". By application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application of which priority is claimed.